

REMARKS

Claims 14-26 remain in this application.

New Claims

Claim 27 is based on paragraphs 6-8 of the specification spanning pages 1-2. No new matter is entered by way of this amendment.

Specification Amendments

Responsive to the specification objection, the specification has been amended to add section headings. Withdrawal of the specification objection is solicited.

Rejections Under 35 USC 101

Claims 14-26 were rejected under 35 USC 101.

Claims 14-23 were said to be directed to a computer program *per se*. Claim 24 was said to overlap two different statutory classes set forth in section 101. Claims 25-26 were said to be directed neither to a class under section 101 nor to transform underlying subject matter to a different state or thing.

The present amendments remedy the stated bases of rejection.

Claims 14-23 have been amended to recite a recording medium storing a program of instructions executable by a computer to control the computer to function as an electronic editor for formulae for calculating the price of a service. Thus, these claims now recite a tangible physical structure, i.e., the

computer program is coupled with/combined with a statutory physical structure.

Claim 24 has been amended to avoid overlapping two different statutory classes as set forth in section 101. Claim 24 now recites a system comprising apparatus elements.

Claims 25-26 were amended be tied to a statutory class, i.e., to a particular apparatus (a computer).

In view of these amendments, the claims are believed to satisfy section 101. Withdrawal of the rejection is solicited.

Rejections Under 35 USC 112

Claims 14-26 were rejected under 35 USC 112, second paragraph as indefinite.

The claims have been amended to conform the section 112, 2<sup>nd</sup> paragraph. Withdrawal of the rejection is solicited.

If there remain any concerns, any suggestions the Examiner may have concerning these claims would be appreciated. The undersigned attorney may be contacted to make such suggestions.

Rejections Under 35 USC 102/103

Claims 24-26 were rejected as anticipated by CARTER 5,878,400.

Claims 14-23 were rejected as obvious over CARTER in view of FERGUSON 5,819,092.

Traverse of Rejections Under 35 USC 102/103

Neither CARTER nor FERGUSON disclose or suggest to combination of:

- i) a price calculating formula in the form of a tree structure formed from nodes,
- ii) such nodes connected to one another by arcs,
- iii) each node associated with a price calculating operation, and
- iv) the arcs defining the order in which the operations have to be carried out.

Each independent claim includes these recitations. Therefore, none of the claims are anticipated nor rendered obvious.

CARTER does disclose a method and an apparatus for determining prices for various products. There is disclosed a hierarchy of purchasing organizations (Figure 4A) and a hierarchy of purchasing products (Figure 4B).

When a user selects a purchasing organization, the method identifies the different organizations groups to which the selected purchasing organization belongs (column 6, lines 40-43). Consequently, a set of different possibly applicable discounts is identified from the groups (column 7, lines 17-51).

The hierarchy of products works in a similar way (Figure 4B). Each group of product hierarchy can be linked to a group of the purchasing organization hierarchy through a

"denormalized" price table (Figure 5). Using a second user-interface (Figure 7), total distinct from the first user-interface, the user can define the order of operations to arrive to the final price of a particular product (column 14, lines 59-63).

Thus, it is clear from CARTER that the relationship by arcs shown in the tree structure of the first user-interface does not define the order in which the operations have to be carried out by an electronic costing system. Indeed, the order in which the operations have to be carried out is only defined through the second user-interface which does not show any tree structure.

Thus, it is clear that CARTER does not disclose an acquisition module of a price calculating formula in the form of a tree structure in which the arcs define the order in which the operations have to be carried out.

Further, as CARTER does not disclose such an acquisition module, necessarily, CARTER does not disclose a module that automatically converts the tree structure, acquired by the acquisition module, into a formal directly readable by the electronic costing system.

Thus, these recitations common to each independent claim are both novel and non-obvious.

CARTER does not suggest that the arcs in the tree structure of the first user-interface (Figure 6) can be used to

define the order in which operations, associated with each node, should be executed.

Rather, CARTER teaches away from the claimed invention because CARTER teaches to use two distinct user-interfaces, one corresponding to Figure 6 for the acquisition of the tree structure and another corresponding to Figure 7 for the acquisition of the order in which operations are to be carried out.

In contrast, the claimed acquisition modules acquires the price calculating formula in the form of a tree structure wherein the operations to be carried out are associated to the nodes and the order in which the operations are to be carried out is defined by the arcs connecting the nodes.

Thus, because the order in which the operations are to be carried out is defined by the arcs, there is no need for the additional user-interface to enter this information. The present invention is therefore a clear advance over CARTER.

FERGUSON does not cure these defects.

FERGUSON discloses a visually oriented software development tool for the design, construction, and modification of online computer services. Price calculation formula are acquired using a complex script (column 10, lines 12-14) and not in the form of a tree structure. FERGUSON does not disclose either the claimed acquisition module or a module that

automatically converts the acquired tree structure into format directly readable by an electronic costing system.

Neither reference discloses or suggests these key features of the present invention. The dependent claims are allowable at least for depending from an allowable claim.

Therefore, reconsideration and allowance of all the claims are respectfully requested.

As stated above, any suggestions the Examiner may have concerning these claims would be appreciated. The undersigned attorney may be contacted to make such suggestions.

This response is believed to be fully responsive and to put the case in condition for allowance. Entry of the amendment; and an early and favorable action on the merits is earnestly requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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